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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,641	09/06/2000	Francois Rey	11345.026001	4899

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EXAMINER	
MAURO JR, THOMAS J	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/623,641	REY, FRANCOIS	
	Examiner	Art Unit	
	Thomas J. Mauro Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,7-17 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *20* is/are allowed.

6)☒ Claim(s) *1,2,4,7-14,16 and 17* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed with a Request for Continued Examination (RCE) on October 26, 2004. In it, claims 5-6 have been cancelled. Claims 1-2, 4, 7-17 and 20 remain pending and are presented for examination. A formal action on the merits of claims 1-2, 4, 7-17 and 20 follows.

2. Objection made against the drawings is withdrawn as new corrected drawings have been filed.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2, 4, 7-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (U.S. 6,163,316) in view of Nickum (U.S. 6,359,661).

Regarding claim 1, Killian teaches a terminal for processing digital audio-visual or multimedia data including a data processing system and a memory **[Killian -- Figure 1, Figure 3, Col. 3 lines 7-10 and 50, Col. 8 lines 49-52 and Col. 9 lines 14-15 – JAVA-T.V., i.e. data processing terminal, contains both on-board memory for storage and a database]**,

wherein the data processing system stores in the memory a plurality of user profiles wherein each user profile is defined in relation to a connection to an external device and comprises user profile data relating to characteristics of a user of the terminal **[Killian -- Figures 1, 3, Col. 3 lines 7-12, Col. 9 lines 10-15 and Col. 15 lines 5-52 – Viewer profiles, i.e. multiple viewers within a family, are stored in a database along with characteristics and external device, i.e. VCR, information which allows for recording of programs in accordance, i.e. in relation to, viewer profiles]**, and

wherein the user profile data includes resource data indicating resources within the terminal accessible by the user **[Killian -- Col. 14 lines 42-49 – Viewing habits of users can be controlled by others, i.e. parents, to block out certain programs or TV. Listings. Thus, the resources accessible by the user are limited by the limiting resource data, i.e. blocking viewer access]**.

Killian fails to explicitly teach priority data indicating a priority of the user with respect to accessing the resources of the terminal and the external device, however, Killian does disclose a

television profile system with access to external devices **[Killian -- Figures 1, 3, Col. 3 lines 7-12, Col. 9 lines 10-15 and Col. 15 lines 5-52]**.

Nickum, however, discloses a multiple user profile system which controls access to devices, i.e. (TV, VCR, as taught by Killian (see above)) and resources by assigning priority data to profiles which govern the access **[Nickum -- Figure 6, Col. 4 lines 53-56, Col. 6 lines 38-57 and Col. 8 lines 34-46]**.

Both Killian and Nickum are involved in the same field of endeavor, namely, enhancing and controlling television viewing and access.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the priority data for controlling access to devices and resources of user profiles, as taught by Nickum into the invention of Killian, in order to provide a more a more granular and flexible system for defining profiles such that profiles can be controlled on a much more individual basis for controlling viewing habits by changing the access levels for each device and the varying resources **[Nickum -- Col. 1 lines 27-38 and lines 50-52]**.

Regarding claim 2, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein each user profile is defined in relation to a mode of operation of the terminal **[Killian -- Col. 8 lines 65-67 – Col. 9 lines 1-9 – During one mode, profiles are accessed when T.V. is in electronic program guide, EPG, mode]**.

Regarding claim 4, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein each user profile is defined in relation an

identity of an operator **[Killian -- Col. 9 lines 15-19 – Each user in the household would have a separate profile]**.

Regarding claim 7, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein the user profile data comprises data relating to the attributes of information to be supplied to the user **[Killian -- Col. 12 lines 32-53 – User can specify in his/her profile, color codes to be displayed in electronic program guide]**.

Regarding claim 8, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein the user profile data comprises data relating to actions permitted by the user **[Killian -- Col. 14 lines 49-61 – User profile, i.e. child profile, could have certain channels blocked during certain times of the day or when certain types of programming are being aired]**.

Regarding claim 9, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein at least one of the characteristics of the user profile data are modifiable during normal operation of the terminal by an operator **[Killian -- Col. 9 lines 19-22 – Non-child viewers of the electronic program guide (EPG) can modify profile at any time during operation]**.

Regarding claim 10, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein at least a portion of the user profile data is

predetermined by the data processing system of the terminal **[Killian -- Col. 9 lines 26-29 and 43-46 – T.V. has predetermined templates which are presented to the user]**.

Regarding claim 11, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including wherein the data processing system comprises, a virtual machine and an object oriented application interface layer comprising a plurality of class libraries **[Killian -- Figure 2 and Col. 6 lines 6-31 – JAVA implements the system using Java Virtual Machine and supporting classes, i.e. libraries]**.

Regarding claim 12, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 11 above, including a terminal in which the application interface layer comprises a class libraries of a plurality of class libraries defining the operation of the virtual machine with respect to the user profile data **[Killian -- Col. 7 lines 49-53 – API allows the construction and modification of viewer profiles]**.

Regarding claim 16, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 1 above, including a terminal comprising a decoder adapted to receive data transmissions in a digital transmission system **[Killian -- Col. 3 lines 12-18 and Col. 4 lines 20-38 – Decoder signal processes digital data and integrates television and internet signals]**.

Regarding claim 17, Killian teaches a terminal for processing digital audio-visual or multimedia data including a data processing system and a memory **[Killian -- Figure 1, Figure**

3, Col. 3 lines 7-10 and 50, Col. 8 lines 49-52 and Col. 9 lines 14-15 – JAVA-T.V., i.e. data processing terminal, contains both on-board memory for storage and a database],

wherein the data processing system stores in the memory a plurality of user profiles wherein each user profile is defined in relation to a connection to an external device and comprises user profile data relating to characteristics of a user of the terminal **[Killian -- Figures 1, 3, Col. 3 lines 7-12, Col. 9 lines 10-15 and Col. 15 lines 5-52 – Viewer profiles, i.e. multiple viewers within a family, are stored in a database along with characteristics and external device, i.e. VCR, information which allows for recording of programs in accordance, i.e. in relation to, viewer profiles]**, and

wherein the user profile data includes resource data indicating resources within the terminal accessible by the user **[Killian -- Col. 14 lines 42-49 – Viewing habits of users can be controlled by others, i.e. parents, to block out certain programs or TV. Listings. Thus, the resources accessible by the user are limited by the limiting resource data, i.e. blocking viewer access]**.

Killian fails to explicitly teach priority data indicating a priority of the user with respect to accessing the resources of the terminal and the external device, however, Killian does disclose a television profile system with access to external devices **[Killian -- Figures 1, 3, Col. 3 lines 7-12, Col. 9 lines 10-15 and Col. 15 lines 5-52]**.

Nickum, however, discloses a multiple user profile system which controls access to devices, i.e. (TV, VCR, as taught by Killian (see above)) and resources by assigning priority data to profiles which govern the access **[Nickum -- Figure 6, Col. 4 lines 53-56, Col. 6 lines 38-57 and Col. 8 lines 34-46]**.

Both Killian and Nickum are involved in the same field of endeavor, namely, enhancing and controlling television viewing and access.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the priority data for controlling access to devices and resources of user profiles, as taught by Nickum into the invention of Killian, in order to provide a more a more granular and flexible system for defining profiles such that profiles can be controlled on a much more individual basis for controlling viewing habits by changing the access levels for each device and the varying resources **[Nickum -- Col. 1 lines 27-38 and lines 50-52]**.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (U.S. 6,163,316) and Nickum (U.S. 6,359,661), as applied to claim 11 above, in view of Applicants Admitted Prior Art (AAPA).

Regarding claim 13, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 11 above, including a terminal in which the application interface layer comprises class libraries **[Killian -- Col. 7 lines 49-53 – API contains class libraries for JAVA-TV and profiles]**.

Killian-Nickum fail to teach a library dedicated to memory management of user profile data in the memory of the terminal.

AAPA, however, teaches that such a memory management class library comes standard with

object oriented programming architectures, i.e. Java **[AAPA -- Page 16 lines 4-9]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included this class library for managing memory as taught by AAPA into the invention of Killian-Nickum in order to allow the program running on the JAVA-TV to access the memory for profiles of different users to display their respective preferences.

Regarding claim 14, Killian-Nickum teach the invention substantially as claimed, as aforementioned in claim 13 above, including a terminal in which the application interface layer comprises a user profile class library adapted to define the characteristics of the user profile data **[Killian -- Col. 7 lines 49-58 – API contains a class for constructing viewer profiles, which implicitly contains information that defines what data will be customized and stored for the user]**.

Allowable Subject Matter

7. Claim 20 is allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed towards a system for processing digital audio/video multimedia data which utilizes user profiles defined in relation to certain characteristics of the terminal. The system utilizes a virtual machine and an object oriented application interface layer along with a plurality of class libraries. The allowable claim, i.e. claim 20, identifies the uniquely distinct feature of having a specific user profile class library, which includes a generic class library

associated with general characteristics of the profile data and a sub-class library associated with characteristics associated with specific user profiles, i.e. ViewerProfile and RecorderProfile, which provides the tools necessary to define user profiles. The closest prior art, Killian (U.S. 6,163,316) discloses an electronic programming guide system which provides a set of user profiles for controlling the operation of the guide, which is run upon a virtual machine and object oriented application interface layer. Killian, however, does not specifically define a user profile class library including a generic class library and sub-class library associated with specific characteristics of specific user profiles.

9. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if brought up into the independent claim including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Williams et al. (U.S. 5,977,964) discloses a system for automatically configuring a system of audio/visual equipment based upon preference information from profiles of

a user.

- Harrison (U.S. 5,878,222) discloses a system for controlling audio/video channel selection/recording based upon priority information contained in user profiles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 571-272-3917. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJM
December 29, 2004

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